



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 16 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Keith A. McLaughlin
Manager – Environmental Control
RG Steel Warren, LLC
1040 Pine Avenue, SE
Warren, Ohio 44483

Dear Mr. McLaughlin:

The U.S. Environmental Protection Agency has determined that the RG Steel Warren, LLC facility located at 1040 Pine Avenue, SE, Warren, Ohio (the "facility") is in violation of Title V of the Clean Air Act (the "Act") and the Ohio State Implementation Plan. We are today issuing to you the attached Notice and Finding of Violations (NOV/FOV) for these violations.

Section 113 of the Act, 42 U.S.C. § 7413, gives EPA several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, bringing a civil judicial action, and bringing a criminal action. EPA is offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV.

A conference should be requested within 10 days and held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

EPA's contact in this matter is Reza Bagherian. You may call him at (312) 886-0674 to request a conference. EPA hopes that this NOV/FOV will encourage RG Steel's compliance with the requirements of the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton".

Cheryl L. Newton
Director

Air and Radiation Division

Enclosure

cc: Kristen Switzer, Environmental Engineer
Northeast District Office, Ohio Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**RG Steel Warren, LLC
1040 Pine Avenue, SE
Warren, Ohio 44483**

**Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 et seq.**

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) **NOTICE OF VIOLATION AND
FINDING OF VIOLATION**

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) **EPA-5-11-OH-12**
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NOTICE AND FINDING OF VIOLATIONS

The U.S. Environmental Protection Agency is issuing this Notice and Finding of Violations (NOV/FOV) to RG Steel Warren, LLC (RG Steel or facility) for violating the Ohio State Implementation Plan ("SIP"), Title V of the Clean Air Act (the "Act"), 42 U.S.C. §§ 7661a *et seq.*, and the regulations promulgated thereunder at 40 C.F.R. Part 70.

I. STATUTORY AND REGULATORY BACKGROUND

A. Ohio State Implementation Plan Requirements

1. EPA approved the Ohio Administrative Code (OAC) Chapter 3745-17-07(A)(1) as part of the federally enforceable Ohio SIP on November 15, 2007. 72 Fed. Reg. 58523.
2. OAC Chapter 3745-17-07(A)(1)(a) states that, with certain exceptions, visible particulate emissions from any stack shall not exceed twenty per cent opacity, as a six-minute average.
3. OAC Chapter 3745-17-07(A)(1)(b) states visible particulate emissions from any stack may exceed twenty per cent opacity, as a six minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed sixty per cent opacity, as a six minute average, at any time
4. 40 C.F.R. § 52.23 provides that failure to comply with any approved regulatory provision of a SIP shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Act.

B. Title V Permit Requirements

5. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each state to develop and

submit to EPA an operating permit program which meets the requirements of Title V. On August 15, 1995, EPA granted Ohio final approval of its Title V operating permit program, effective October 1, 1995. 60 Fed. Reg. 42045; 40 C.F.R. Part 70, App. A.

6. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
7. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator of EPA to initiate an enforcement action whenever the Administrator finds that any person has violated, or is in violation of, a requirement or prohibition of Title V or any permit or rule issued or approved under Title V.

II. FACTUAL BACKGROUND

8. RG Steel owns and operates an integrated iron and steel mill at the facility located at 1040 Pine Avenue, SE, in Warren, Ohio.
9. RG Steel owns and operates, *inter alia*, two basic oxygen process furnace (BOPF) vessels, an electrostatic precipitator (ESP) capturing emissions from the BOPF vessels and a continuous opacity monitoring system (COMS) measuring hourly opacity of emissions exiting the BOPF ESP stack.
10. The BOPF vessels are identified as emission units P902 and P903, also known as BOPF #1 and BOPF #2, in RG Steel's Title V operating permit number 02-78-00-0463.
11. On December 20, 2010, EPA issued a Section 114 information request to RG Steel asking RG Steel to use the COMS to monitor, record and report six-minute average opacity of emissions exiting the stack at the ESP applied to control emissions from the BOPF vessels. RG Steel responded to EPA's request providing six-minute opacity averages from the BOPF ESP stack using the COMS. RG Steel submitted the data in three monthly reports, which EPA received on the following dates: March 9, 2011; April 7, 2011; and May 9, 2011.
12. From January 24, 2011 through April 24, 2011, RG Steel reported 1,372 exceedances of the twenty per cent opacity limit, as a six-minute average, exiting the stack at the ESP applied to control emissions from its BOPF vessels.

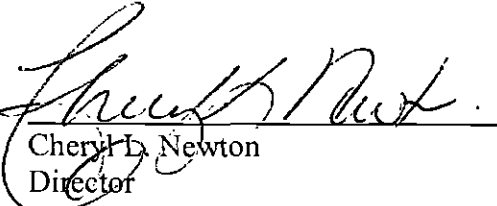
III. VIOLATIONS

13. RG Steel violated and continues to violate OAC Chapter 3745-17-07(A)(1) by exceeding the visible particulate matter emissions limit set forth in OAC Chapter 3745-17-07(A)(1) and Part III, section A.I.1 of its Title V permit for emission units P902 and P903. RG Steel's violation of its Title V permit violates Title V of the Act and 40 C.F.R. Part 70.

IV. ENVIRONMENTAL IMPACT OF VIOLATIONS

14. Violation of the opacity standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

6/16/11
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice and Finding of Violation,

No. EPA-5-11-OH-12 by Certified Mail, Return Receipt Requested, to:

Keith A. McLaughlin
Manager – Environmental Control
RG Steel Warren, LLC
1040 Pine Avenue, SE
Warren, Ohio 44483

I also certify that I sent a copy of the Notice and Finding of Violation,

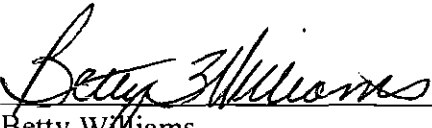
No. EPA-5-11- OH- 12 by First Class Mail to:

Ed Fasko, APC Supervisor
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087

and

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216

on the 17th day of June 2011.


Betty Williams
Administrative Program Assistant
AECAB/AECAS/PAS

Certified Mail Receipt Number: 70091680 0000 76702324